

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
August 18, 2015 - 9:00 A.M.

PRESENT: COMMISSIONER LARRY A. ELLERTSON, CHAIR
COMMISSIONER WILLIAM C. LEE, VICE-CHAIR
COMMISSIONER GREG GRAVES

ALSO PRESENT:

David Shawcroft, Civil Division Chief Deputy Attorney	Dave Kallas, Utah Transit Authority
Paul Jones, Utah County Deputy Attorney	Taylor Oldroyd, Utah County Association of Realtors
Sandy Nielson, Clerk/Auditor's Office - Tax Admin.	Warren Peterson, Farmland Reserve
Michelle Araujo, Utah County Commission Office	Ross Welch, Patterson Construction
Lisa K. Nielson, Utah County Commission Office	Cory Hansen, Provo Resident
Brian Voeks, Utah County Commission Office	Vance Law, Provo Resident
Kris Poulson, Utah County Assessor	Rich Maughan, Springville Resident
Jim Stevens, Utah County Assessor's Office	Barbara Petty, Orem Resident
Peggy Kelsey, Community Development	Heather Williamson, Saratoga Springs Resident
Joshua Ivie, Community Development	Lee Davidson, <u><i>The Salt Lake Tribune</i></u>
Steve Alder, Utah County Health Department	Danielle Downs, <u><i>The Daily Herald</i></u>
Bryce C. Larsen, Utah County Health Department	Peter Anderson, -No further information given-
Steve Mickelson, Utah County Health Department	Sharon Anderson, -No further information given-
Don Nay, Utah County Public Works Assoc. Director	Kyle Bateman, -No further information given-
Jeff Smith, Utah County Recorder	Pam Jones, -No further information given-
Andrea Allen, Utah County Recorder's Office	Christy Long, -No further information given-
Dalene Higgins, Utah County Sheriff's Office	Greg Magleby, -No further information given-
Dale Bench, Utah County Sheriff's Office	Linda Roper, -No further information given-
Mike Forshee, Utah County Sheriff's Office	Theodore York, -No further information given-
Kim T. Jackson, Utah County Treasurer	Cathy Young, -No further information given-
Andrew Jackson, Mountainland Assoc. of Governments	Tyler Young, -No further information given-
	Renée Huggins-Caron, Clerk/Auditor Admin. Assistant

Commissioner Ellertson called the meeting to order at 9:27 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Greg Graves, Utah County Commissioner

PLEDGE OF ALLEGIANCE: Bill Lee, Utah County Commissioner

PUBLIC COMMENTS

Orem resident Sharon Anderson commented on the proposed quarter-cent sales tax increase (*reference Regular Agenda Item No. 7 on today's calendar, Page*). She mentioned attending a meeting a couple of years ago and being shocked to hear state transportation plan projected costs of seventy billion dollars for the next twenty-five years. Ms. Anderson pointed out the entire annual approximate Utah State Budget is \$13,000,000,000 by comparison. While population is expected to increase, the current figures would require an expense of \$70,000 from each current household in the state to support that infrastructure. Ms. Anderson noted all discussion has centered around building revenue rather than minimizing the plans to meet actual needs. Increased gasoline taxes, registration fees, special fees on property taxes, and fees for annual mileage per vehicle have been suggested as methods to build the transportation system - these all take money from the public. Ms. Anderson said, "We can lose our freedom and our property a penny at a time," expressing that many people will vote against the proposed quarter-cent sales tax increase if the question is submitted on a ballot.

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She presented a map displaying planned Bus Rapid Transit (BRT) throughout the county, questioning the need for such a system and encouraging additional conversation on the issue.

Andrew Jackson of the Mountainland Association of Governments clarified that the \$70,000,000,000 need for the Unified Transportation Plan was requested by the legislature, who asked the group to determine costs to solve transportation problems. The amount has since been reduced to fifty-four billion dollars, \$43,000,000,000 of which is within existing revenues prior to any legislative changes from the last year. Mr. Jackson summarized that the overall gap is \$11,000,000,000 over the next 25 years.

Provo resident Linda Roper stated there was already money for roads and highways in the county, but it was commandeered for Bus Rapid Transit (BRT). It was stated that BRT would not raise taxes, but now a tax increase is being proposed because of the redistribution of those funds - effectively raising taxes for BRT. Ms. Roper does not think BRT should be pursued, especially at the cost of a tax raise for county citizens. She mentioned Provo City has also requested a tax raise while doubling utility fees; with all taxes combined, fifty percent of income is lost. Ms. Roper explained the burden is even heavier for individuals with a fixed income, where the only flexible portion of finances is for groceries and they soon will not be able to afford to eat.

Pam Jones, Provo resident, spoke of government's tradition of raising taxes, increasing fees, and floating bonds when more money is needed, but there is no relief or safe place for fixed income individuals who also need more money. She asked, "What percent of a citizen's money does government have a moral right to take?"

Orem resident and member of the Association of Mature American Citizens Peter Anderson added he is very concerned about fixed incomes being whittled away by additional taxes. He asked the commissioners to review their budgets and find solutions using the money they already have.

Heather Williamson is a Saratoga Springs resident and member of Americans for Prosperity: Utah. She has met many individuals on fixed incomes who would face the burden of this proposed tax increase. Ms. Williamson shared a story about a woman facing the possibility of losing her home after thirty years due to overall rising costs and taxes, echoing Peter Anderson's comments and asking the commissioners to work within the current budget. She also suggested the Board wait until the year 2016 to include the opinion question on the ballot, as it will be a presidential election year and will likely have a higher turnout of up to 300% more voters. Ms. Williamson expressed concerns of taking taxes to fund Utah Transit Authority (UTA), an entity with increasing debt which has been irresponsible with public funds. She briefly reviewed audit records which showed UTA has put tax dollars at an unnecessary risk and paid executives near \$2,000,000 annually, urging the commissioners to vote against this proposed sales tax increase.

Taylor Oldroyd of the Utah County Association of Realtors noted that while no one likes a tax increase, there are costs associated with the inevitable growth of Utah County and a sales tax would be better distributed than a property tax hike. He pointed out that the term 'fixed income' applies to everyone, not just retired or elder members of the community since all are plagued with financial challenges and budget demands. Mr. Oldroyd travels for work and enjoys visiting areas such as Chicago or Washington D.C. with advanced public transportation, and improved economies to show through it. Comparably, poor road infrastructure can negatively impact economic development in local cities such as Pleasant Grove. He stated that one penny for every four dollars in sales is a reasonable investment to make for the future.

Orem resident Barbara Petty referred to the commissioners as her friends, since they were elected to help defend the people against encroaching government and increasing expenses from taxation. She mentioned that senior citizens are a large and growing part of Utah County's population, and they truly are on a fixed income. Taking additional money for taxes reduces the access those individuals have to meet their basic needs. Ms. Petty warned that the homeless population may grow, reminding the Board that taxation is taking the fruits of one person's labor to benefit others. She asked the commissioners to research the percentages of low-income and senior families in the community, and to reconsider the proposed sales tax increase.

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Alpine resident Theodore York noted it may be a waste of his time to comment during the public meeting, as the funds have already been collected for Bus Rapid Transit (BRT) despite disagreement from the citizens - he will be paying for the project even though he does not live in the Provo/Orem area. Mr. York suggested the government abbreviate the process and increase taxes to 100% of income rather than continually debate the topic. He spoke of the increase in his property taxes, mentioning that he has gotten tired of voting for conservative Republicans who act like Democrats once they take office. Commenting on the required federally mandated medical insurance coverage, Mr. York asked, "Where does it end?"

Ed Barfuss stated Highland, his city of residence, was running at a deficit six years ago. The city took control of finances by reducing property taxes and dismissing twenty percent of city employees. They have minimized expenses wherever possible but cannot seem to overcome the costs of road maintenance. Mr. Barfuss pointed out that while road funding has been increased fifty percent, the city is approximately \$400,000 under being able to maintain roads within an \$8,000,000 general fund budget. Though he supports road fees, Mr. Barfuss is frustrated that a sales tax increase is being considered for a municipal election year ballot. He called this a 'favorite trick' of the school districts: to propose bonds during 'off' years so that they are approved. Mr. Barfuss also mentioned it is unfortunate this public meeting is being held the last week before school starts, while many people are out of town and unable to attend. He stated the county should not tax itself and then give half the funds to the Utah Transit Authority; UTA needs to be forced to economize.

Referring to an earlier comment, Orem resident Cathy Young clarified that Utah County is nothing like Chicago. She commented on the struggles of families with fixed incomes, including a friend who is overqualified for the jobs he accepts for one-fourth of the pay he previously received. Ms. Young expressed empathy for people in similar unfortunate situations, stating she would rather have her tax money serve homeless shelters and single mothers than be wasted.

Following public comments, the commissioners moved forward with the agenda as scheduled.

CONSENT AGENDA

- 1. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR SIGNATURE ON AN ORDER AGREEMENT WITH RICOH FOR A NEW MPC4503 COPIER; USAGE RATES EXPIRE 8/17/2020**
- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH AUTOMATED BUSINESS PRODUCTS FOR A RICOH MPC4500 COPIER, SERIAL NO. 24177090-2161239, LOCATED IN INFORMATION SYSTEMS; EXPIRES 7/11/2016**
- 3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR5050 COPIER, SERIAL NO. DZA10009, LOCATED IN THE HEALTH DEPARTMENT; EXPIRES 7/27/2016**
- 4. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR5050 COPIER, SERIAL NO. DZA10011, LOCATED IN THE HEALTH DEPARTMENT; EXPIRES 7/27/2016**
- 5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR5050 COPIER, SERIAL NO. DZA10015, LOCATED IN THE HEALTH DEPARTMENT; EXPIRES 8/17/2016**
- 6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH NEOPOST NORTHWEST FOR AN IM420 MAILING SYSTEM, SERIAL NO. DB08440190; EFFECTIVE DATES 8/30/15 TO 8/29/16**

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7. **ADOPT A RESOLUTION TO GIVE PUBLIC NOTICE OF UTAH COUNTY'S INTEREST IN OFFERING CERTAIN PARCELS OF PROPERTY FOR SALE**

8. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON COOPERATIVE FOREST ROAD AGREEMENT #15-RO-11041000-023 WITH THE USDA, FOREST SERVICE, MANTI-LA SAL NATIONAL FOREST FOR SCHEDULE A ROAD MAINTENANCE**

The Board requested Consent Agenda Item No. 8 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

9. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON ROAD PROJECT AGREEMENT #15-RO-11041000-024 WITH THE USDA, FOREST SERVICE, MANTI-LA SAL NATIONAL FOREST FOR WORK ON THE LAKE FORK AND DAIRY FORK ROADS**

The Board requested Consent Agenda Item No. 9 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

10. **RATIFY THE SIGNATURE OF THE COMMISSION VICE-CHAIR SIGNATURE OF AN ENROLLMENT FORM FOR THE PUBLIC WORKS DEPARTMENT TO PURCHASE LAUNDERED UNIFORM SERVICES VIA THE CURRENT UTAH STATE COOPERATIVE PURCHASING CONTRACT WITH G&K SERVICES**

11. **DECLARE SPECIFIED KITCHEN EQUIPMENT AS SURPLUS TO BE SOLD VIA PUBLIC AUCTION OR DISPOSED OF AS METAL SALVAGE**

The Board requested Consent Agenda Item No. 11 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

12. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SUPPLEMENTAL LAW ENFORCEMENT CONTRACT WITH RACE TRI (JOEL HINKLEY) TRIATHLON, TO HAVE FIVE TO EIGHT DEPUTIES FOR TRAFFIC CONTROL AND CROSSING AT NUMEROUS COUNTY AREAS FROM 8:00 A.M. TO 1:00 P.M. ON AUGUST 22, 2015**

13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE FY2015 ANNUAL OPERATING AND FINANCIAL PLAN WITH THE USDA, FOREST SERVICE FOR COOPERATIVE LAW ENFORCEMENT**

14. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE FY2015 ANNUAL OPERATING AND FINANCIAL PLAN FOR LAW ENFORCEMENT AND INVESTIGATIONS**

15. **DECLARE AS SURPLUS A GLOCK MODEL 19, SERIAL NUMBER WCN920, WITH AN ESTIMATED VALUE OF \$330.00 TO BE PRESENTED TO DEPUTY WHITNIE TATE FOR SERVING THE UTAH COUNTY SHERIFF'S OFFICE AND THE CITIZENS OF UTAH COUNTY**

16. **ADOPT A RESOLUTION AWARDED COUNTY PERSONAL PROPERTY AS A GIFT TO WHITNIE TATE IN RECOGNITION OF HER MERITORIOUS SERVICE TO UTAH COUNTY**

17. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60327, DATED AUGUST 12, 2015**

18. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20338, DATED AUGUST 12, 2015**

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19. **ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**
20. **APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE**
21. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH VALLEY CONVENTION CENTER FOR THE 2015 UTAH COUNTY EMPLOYEE APPRECIATION HOLIDAY PARTY TO BE HELD ON DECEMBER 8, 2015**

The Board requested Consent Agenda Item No. 4 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

22. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER AND THE UTAH COUNTY HEALTH DEPARTMENT**
23. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2015-12**
24. **RATIFICATION OF PAYROLL FOR AUGUST 11, 2015**
25. **RATIFICATION OF WARRANT REGISTER SUMMARY FOR AUGUST 11, 2015**
26. **RATIFICATION OF WARRANT REGISTER SUMMARY FOR AUGUST 18, 2015**

Consent Agenda Item Nos. 1 through 7, 10, 12 through 20, and 22 through 26 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

1. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE MANAGEMENT REPRESENTATION LETTER FOR THE 2014 UTAH COUNTY AUDIT**
2. **APPROVE THE MINUTES OF THE JUNE 30, 2015 COMMISSION MEETING** *(Continued from the August 4, 2015 Commission meeting)*

Utah County Clerk/Auditor Bryan E. Thompson requested Regular Agenda Item No. 2 be continued to the next meeting of the Board.

CONTINUED TO AUGUST 25, 2015

3. **APPROVE THE MINUTES OF THE JULY 7, 2015 COMMISSION MEETING**
6. **APPROVE THE MINUTES OF THE AUGUST 4, 2015 COMMISSION MEETING**
9. **ADD ONE FULL-TIME CAREER SERVICE (GRANT) PUBLIC HEALTH NURSE II POSITION TO THE STAFFING PLAN OF THE HEALTH DEPARTMENT (CLASS CODE 992022, ACCOUNT 230-43120)**
10. **APPROVE (OR DENY) THE REQUEST OF PATTERSON CONSTRUCTION INC., TO EXTEND THE ONE-YEAR APPROVAL VIABILITY PERIOD FOR THE BOX ELDER SOUTH SUBDIVISION, PLAT "A," TO OCTOBER 23, 2015, A SECOND APPROVAL EXTENSION PERIOD OF SIXTY (60) DAYS, DURING WHICH SIXTY (60) DAY PERIOD THE PLAT MAY BE RECORDED AND DURING WHICH THE APPROVAL REMAINS VIABLE**

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11. **ADOPT (OR DENY) AN ORDINANCE FOR AMENDMENT NO. 1 TO THE MASTER AGREEMENT FOR GOSHEN VALLEY P-C ZONE, RELATIVE TO SECTION 3(A), "PARKS AND TRAILS," SUBJECT TO THE CONDITIONS AND FINDINGS IN THE STAFF REPORT**
12. **APPROVE (OR DENY) THE DEVELOPMENT STANDARDS FOR THE KIMBALL CREEK COMMUNITY STRUCTURE PLAN (CSP), BASED ON THE CRITERIA IN SUBSECTION 5-17-Q-A, UCLUO AND THE FINDINGS IN THE STAFF REPORT AND SUBJECT TO THE FOLLOWING CONDITIONS: 1) THAT THE APPROVED DEVELOPMENT STANDARDS SHALL BE RECORDED IN THE OFFICE OF THE UTAH COUNTY RECORDER AS RESTRICTIVE COVENANTS THAT RUN WITH THE LAND OR SHALL BE REFERRED TO IN RECORDED RESTRICTIVE COVENANTS THAT RUN WITH THE LAND. AND 2) THAT THE DEVELOPMENT STANDARDS DOCUMENT RECORDED WITH THE UTAH COUNTY RECORDER SHALL IDENTIFY THE LAND ENCUMBERED BY SAID STANDARDS, INCLUDING THE ADDITION TO THE DEVELOPMENT STANDARDS DOCUMENT OF A LEGAL DESCRIPTION OF THE LAND ENCUMBERED BY SAID STANDARDS**
13. **APPROVE (OR DENY) 1) KIMBALL CREEK COMMUNITY STRUCTURE PLAN (CSP), BASED ON THE CRITERIA SET FORTH IN SUBSECTION 5-17-N-4, UCLUO, AND THE FINDINGS OF THE STAFF REPORT, AND SUBJECT TO THE CONDITIONS IN THE STAFF REPORT AND 2) APPROVE (OR DENY) A WAIVER OF THE REQUIREMENT FOR A DEVELOPMENT AGREEMENT IN CONNECTION WITH A COMMUNITY STRUCTURE PLAN (CSP), AS PER SUBSECTION 5-17-R-3, UCLUO**
14. **APPROVE (OR DENY) THE KIMBALL CREEK SUBDIVISION, PLAT "A," BASED ON THE FINDINGS, AND SUBJECT TO, THE CONDITIONS STATED IN THE STAFF REPORT**
15. **ADOPT (OR DENY) AN ORDINANCE FOR THE DEVELOPMENT AGREEMENT FOR THE KIMBALL CREEK SUBDIVISION, PLAT "A," SUBJECT TO THE CONDITION OF THE STAFF REPORT**
16. **RATIFY THE SIGNATURE OF HALENE INOKE ON THE EASTMAN PARK MICROGRAPHICS ANNUAL SERVICE AGREEMENT FOR THE ARCHIVE WRITER LOCATED IN THE RECORDER'S OFFICE**
17. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A CREDIT APPLICATION FROM IMMUNALYSIS FOR THE HEALTH DEPARTMENT'S PURCHASE OF LAB SUPPLIES**
18. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A CREDIT AGREEMENT WITH SWIRE COCA-COLA, USA, A STATE CONTRACTED VENDOR USED BY VARIOUS DEPARTMENTS WITHIN THE COUNTY**
22. **ADOPT AN ORDINANCE FOR THE UTAH COUNTY VEHICLE EMISSIONS INSPECTION/MAINTENANCE PROGRAM *(Continued from the August 4, 2015 Commission meeting)***
23. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2014-610 WITH THE UTAH DEPARTMENT OF HEALTH TO EXTEND AND INCREASE FUNDING FOR THE INFECTIOUS DISEASE GRANT**

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24. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH MOUNTAINLANDS COMMUNITY HEALTH CENTER FOR THE REFERRAL OF ASTHMA PATIENTS PER UTAH COUNTY AGREEMENT NO. 2015-102 WITH THE UTAH DEPARTMENT OF HEALTH**
 25. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH HABITAT FOR HUMANITY FOR THE REFERRAL OF ASTHMA PATIENTS PER UTAH COUNTY AGREEMENT NO. 2015-102 WITH THE UTAH DEPARTMENT OF HEALTH**
 26. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE NURSE-FAMILY PARTNERSHIP IMPLEMENTATION AGREEMENT**
 27. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH TO PROVIDE FUNDING FOR THE PUBLIC HEALTH AND HEALTHCARE EMERGENCY PREPAREDNESS AND RESPONSE ACTIVITIES**
 28. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH IG SIGNS FOR AN ILLUMINATED SIGN FOR THE OREM WIC OFFICE**
 29. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 3 TO AGREEMENT NO. 2011-508 WITH ADDICTION AND PSYCHOLOGICAL SERVICES, INC., EXTENDING THE PERIOD TO OCTOBER 31, 2015 AND UPDATING COSTS TO THE CURRENT ACCESS TO RECOVERY FEE SCHEDULE**
 30. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 3 TO AGREEMENT NO. 2011-708 WITH DISCOVERY HOUSE, EXTENDING THE PERIOD TO OCTOBER 31, 2015 AND UPDATING COSTS TO THE CURRENT ACCESS TO RECOVERY FEE SCHEDULE**
 31. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A REVENUE AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH FOR MEDICAID CAPITATION AND SERVICE FEES**
 34. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH VANCON INC TO ROTO-MILL AND REPAVE A FAILING SECTION OF THE JORDAN RIVER PARKWAY**
 35. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH SECURUS TECHNOLOGIES FOR AN INMATE PHONE AND VIDEO VISITATION SYSTEM AT THE UTAH COUNTY JAIL**
- Utah County Deputy Attorney Cort Griffin mentioned a revised exhibit would be attached for additional equipment.
36. **ADOPT A RESOLUTION AUTHORIZING THE COMMISSION CHAIR TO SIGN THE INTERLOCAL COOPERATION AGREEMENT WITH PAYSON CITY CONCERNING THE JUST WARE ATTORNEY DOCUMENT AND CASE MANAGEMENT SOFTWARE**

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 10, 24, 25 and 26 were ratified; Nos. 2 through 6, and 12, 13, and 14 were approved and authorized; Nos. 7, 16, and 22 were adopted; Nos. 8, 9, 11 and 21 were tabled for further discussion; No. 15 was declared as surplus; Nos. 17, 18, 20 and 23 were approved; and No. 19 was abated. **Regular Agenda Item Nos. 1 and 16** were ratified; No. 2 was continued to the August 25, 2015 meeting of the Board; Nos. 3, 6, 9, 10, 12, 13 and 14 were approved; Nos. 11, 15, 22 and 36 were adopted; and Nos. 17, 18, 23 through 31, 34, and 35 were approved and authorized.

AGREEMENT NOS.: 2015-526, 2015-527, 2015-528, 2015-529, 2015-530, 2015-531, 2015-532, 2015-533, 2015-534, 2015-535, 2015-536, 2015-537, 2015-538, 2015-539, 2015-540, 2015-541, 2015-542, 2015-543, 2015-544, 2015-545, 2015-546, 2015-547, 2015-548, 2015-549, 2015-550, 2015-551, 2015-552, 2015-553, 2015-554, 2015-555, 2015-556, 2015-557, 2015-558, 2015-559, 2015-560 and 2015-564
RESOLUTION NOS.: 2015-109, 2015-110, 2015-111 and 2015-112
ORDINANCE NOS.: 2015-19, 2015-20, and 2015-21

REGULAR AGENDA

(PULLED FROM CONSENT)

8. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON COOPERATIVE FOREST ROAD AGREEMENT #15-RO-11041000-023 WITH THE USDA, FOREST SERVICE, MANTI-LA SAL NATIONAL FOREST FOR SCHEDULE A ROAD MAINTENANCE

Commissioner Ellertson clarified for Commissioner Lee that the Forest Service reimburses Utah County for costs.

Commissioner Lee made the motion to ratify the Cooperative Forest Road Agreement #15-RO-11041000-23 with the USDA Forest Service: Manti-La Sal National Forest as defined in Consent Agenda Item No. 8. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

AGREEMENT NO. 2015-561

(PULLED FROM CONSENT)

9. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON ROAD PROJECT AGREEMENT #15-RO-11041000-024 WITH THE USDA, FOREST SERVICE, MANTI-LA SAL NATIONAL FOREST FOR WORK ON THE LAKE FORK AND DAIRY FORK ROADS

Commissioner Lee and Utah County Deputy Attorney Carl Hollan noted this contract with the USDA Forest Service is structured in the same way as that discussed in Consent Agenda Item No. 8 for cost reimbursements, but the Financial and Operating Plan 'Exhibit A' was not attached to the agreement. Utah County Public Works Associate Director Don Nay mentioned he also did not have a copy of the exhibit.

Commissioner Lee made the motion to continue Consent Agenda Item No. 9 regarding Agreement #15-RO-11041000-024 with the USDA Forest Service: Manti-La Sal National Forest for one week to the August 25, 2015 meeting of the Utah County Board of Commissioners.

The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

CONTINUED TO AUGUST 25, 2015

(PULLED FROM CONSENT)

11. DECLARE SPECIFIED KITCHEN EQUIPMENT AS SURPLUS TO BE SOLD VIA PUBLIC AUCTION OR DISPOSED OF AS METAL SALVAGE

Commissioner Ellertson pointed out an error where the word "sell" was spelled as "seal," and suggested that be corrected before obtaining signatures on the surplus declaration.

Commissioner Graves made the motion to approve the declaration of specified kitchen equipment as surplus, with the changes as noted in Consent Agenda Item No. 11. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

AGREEMENT NO. 2015-562
APPROVED WITH CHANGES

(PULLED FROM CONSENT)

21. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH VALLEY CONVENTION CENTER FOR THE 2015 UTAH COUNTY EMPLOYEE APPRECIATION HOLIDAY PARTY TO BE HELD ON DECEMBER 8, 2015

Commissioner Ellertson clarified for the record that dinner would be served at 6:15 PM, not 5:00 PM.

Commissioner Graves made the motion to approve the agreement with the Utah Valley Convention Center for the 2015 Utah County Employee Appreciation Holiday Party as detailed in Consent Agenda Item No. 21. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

AGREEMENT NO. 2015-563

REGULAR AGENDA

4. APPROVE THE MINUTES OF THE JULY 21, 2015 COMMISSION MEETING

Commissioner Lee noted that Brian Voeks of the Commission Office had erroneously been excluded from the attendance listing of the July 21, 2015 Commission meeting minutes.

Commissioner Lee made the motion to approve the minutes of the July 21, 2015 Commission meeting, with the changes as noted in Regular Agenda Item No. 4. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**
NAY: None

APPROVED WITH CHANGES

5. APPROVE THE MINUTES OF THE JULY 28, 2015 COMMISSION MEETING

Commissioner Lee requested the wording on Page 5 of the July 28, 2015 Commission meeting minutes be rephrased for clarity.

Commissioner Lee made the motion to approve the minutes of the July 28, 2015 Commission meeting, with the changes as noted in Regular Agenda Item No. 5. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**
NAY: None

APPROVED WITH CHANGES

7. ADOPT A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, APPROVING THE IMPOSITION OF A .25% COUNTY OPTION SALES AND USE TAX FOR HIGHWAYS AND PUBLIC TRANSIT, APPROVING THE SUBMISSION OF AN OPINION QUESTION ON THE IMPOSITION OF SAID TAX TO THE COUNTY'S REGISTERED VOTERS, PROVIDING FOR A PUBLIC MEETING AND RELATED MATTERS

Commissioner Ellertson explained this agenda item is to decide whether or not to place on the ballot the issue of a .25% County Option Sales and Use Tax for Highways and Public Transit, in order for the citizens to make the decision. Commissioner Graves noted this is the proposed solution from the legislature for more locally-controlled road monies. Commissioner Graves stated while it is true we must be prepared for the future, he is sickened and troubled that he cannot think of a better option than this tax at this time. He mentioned that the Utah Unified Transportation Plan 2040 anticipates an additional quarter-cent tax in the next ten years.

Commissioner Graves noted some cities have been vocal in their support or opposition for this proposed .25% County Option Sales and Use Tax, with Saratoga Springs contesting the tax despite the \$487,000,000 of collected funds designated for their road projects. He commented on ongoing construction in Lehi for roads that will fail within twenty years according to the Utah Department of Transportation, stating "that is not acceptable" and "we need to do better." Taxes are not inherently evil, but we need to be accountable for what is done with those funds. Commissioner Graves expressed appreciation for the efforts taken by Highland City to reduce costs, encouraging all to follow that example and reiterating that the citizens will ultimately decide with their votes whether or not their government is efficient.

Commissioner Lee noted it has become typical to get upset over actions by the federal government, and then turn around and commit the same practices locally. He pointed out that the state legislature has decided this proposed bill must stand as currently written, while a decision was made to take road funds from the cities and devote them to mass transit. Commissioner Lee noted this is not a taxing problem, but a priority problem. There is a problem in preventing public vote on previous topics while claiming the public must decide on this issue; there is divide among the people. He mentioned there have been several meetings between the mayors and the commissioners on this proposed tax, and as of this point he has only seen six resolutions from city councils in favor of placing this on the ballot. Between those six supporters, there is still some hesitation. Commissioner Lee stated if this tax is placed on the ballot, the county commissioners need to take responsibility for that decision. He does not want to follow the same example of the state legislature in diverting it to the next municipality, and would personally prefer the issue be stricken from today's agenda.

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Commissioner Ellertson concurred that this issue has troubled all, addressing comments regarding road funds, Bus Rapid Transit (BRT), and third-quarter cent sales taxes. He clarified that the third-quarter monies are for transportation in general and not just roads, as the money from BRT will be returned to the county for transportation projects. Commissioner Ellertson noted that this proposed .25% County Option Sales Tax was decided upon by all members of the original transportation plan - not just the county commissioners - in a combined effort to identify the need and build a system that will work in the future. He pointed out that the fourth-quarter cent would still be under consideration even if BRT had not been approved, as the need would still be present. Commissioner Ellertson maintained there was a vote of 22-2 in support of this tax by elected officials in the county, and it would be irresponsible to delay taking action as it will only become more expensive to address the problem later. He reminded the Board that the commissioners are elected to make responsible decisions and encouraged them to help educate the public and let them speak through the ballots, noting the importance of making choices based on fact and not political whim.

Commissioner Graves noted that this proposal is the best of the four total quarter-cent tax increases the state legislature have presented. He believes government works best at a local level, and this is the first of the quarter-cent sales taxes that actually puts the money back into local control. Commissioner Graves clarified that does not mean he likes the tax, but thinks it will be better because of that local control aspect. He mentioned increased costs being tied to higher levels of management, speaking of a road to Provo City Airport in which several million dollars could have been saved if the federal regulations had not been implemented.

Commissioner Lee agreed with Commissioner Graves that local control is best, suggesting this proposed tax bill be returned to the state legislature for additional review and discussion. Commissioner Lee noted enough people can speak up to allow another legislative session take place before making a final decision. This could lead to a solution of twenty percent of the funds for the county, forty percent for the cities, and control of the remaining forty percent being based on what is deemed necessary by the MPOs, whether that be roads or mass transit.

Commissioner Lee also reviewed the use of the third-quarter cent sales tax funds over the last six years, emphasizing the monies all went towards some form of road project until Bus Rapid Transit was introduced. Commissioner Lee repeated he has only received six resolutions in support of this tax from the cities, and some of them are wavering in the decision to place it on the ballot this year. He encouraged the Board not to deflect the responsibility to the cities.

Commissioner Graves talked about cities needing the money promised through the new tax, but resenting the portion designated for Utah Transit Authority (UTA). Commissioner Lee countered that real needs should be addressed, commenting that the designated portions for some cities will not even fill their potholes. Commissioner Graves questioned whether those currently opposed to the tax would support it if the UTA section were eliminated, and Commissioner Lee responded perhaps.

Commissioner Ellertson stated the answer to our future transportation needs is multi-modal. It is not possible to continue building roads forever; other means must be considered for long-term, well-rounded infrastructure. Local funds can be used more efficiently for roads than federal money. Commissioner Ellertson reminded everyone that when people talk about 'taking' from the federal government, they are failing to understand the monies belonged to us in the first place and we need to work together to keep the funds here.

Utah County Clerk/Auditor Bryan E. Thompson compared the costs and ramifications of placing this issue on the ballot this year rather than waiting until 2016. Since the county would be administering the 2016 Election, it would cost between \$1,000 and \$1,500 to program this additional item onto the ballot. This 2015 Municipal Election is not truly county-wide, so a coordinated county election would be needed; this would ultimately cost near sixty-thousand dollars. Mr. Thompson spoke of the importance in encouraging absentee and early votes, and also needing a physical polling place location for fair and transparent elections with the best representation. Mr. Thompson reviewed the voter turnouts for municipal elections (17.5% in 2013 Municipal) in relation to presidential elections (between 65% and 79% for Presidential). He voiced concerns about uniformity and equal understanding in the state on this issue to prevent biased results, and Commissioner Graves mentioned the ballot would be referred to as 'Proposition One' across all of Utah.

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Bryan E. Thompson suggested that if the commissioners choose to adopt this resolution, it should be adopted as an "Equal Access Election" for a coordinated polling place election. This means all cities would have traditional polling places, in addition to early voting, and in addition to vote-by-mail for those that have registered or wish to register on the permanent absentee list. Mr. Thompson proposes that vote-by-mail would not be allowed except for those on the absentee list, which may affect the five cities which conducted their Primary Elections earlier this year solely through vote-by-mail. Mr. Thompson noted Equal Access is his recommendation, as statute does not explicitly require enforcement. He and Commissioner Ellertson discussed county costs and city participation.

Utah County Deputy Attorney Paul Jones reminded the Board that adoption of the resolution would also require setting a date for a public meeting if approved, and Utah County Civil Division Chief Deputy Attorney David Shawcroft suggested Tuesday, October 27, 2015 at 6:00 PM in this same location.

Commissioner Graves made the motion to adopt the resolution approving the imposition of a .25% County Option Sales and Use Tax for Highways and Public Transit, approving the submission of an opinion question on the imposition of said tax to the county's registered voters, providing for a public meeting on October 27, 2015 at 6:00 PM, with the changes as discussed to address equal access elections and other wording as noted in Regular Agenda Item No. 7.

Because there was lack of a second, Commissioner Ellertson briefly suspended Robert's Rules of Order for the purpose of seconding this motion.

The motion was seconded by Commissioner Ellertson, and discussion continued.

Utah County Civil Division Chief Deputy Attorney David Shawcroft discussed the wording of the resolution and mandatory state language with the commissioners. Commissioner Lee pointed out sections where the language would need to be updated to reflect the equal opportunity clause, and Utah County Clerk/Auditor Bryan E. Thompson commented on the actual ballot language compared to the resolution language. Mr. Shawcroft clarified that the opinion question language is in the resolution itself, or in the language approved by the Utah Lieutenant Governor's Office.

Commissioner Lee stated for the record that although the mayors and city councils have not presented themselves in significant numbers in support of this tax proposal, his fellow Board members have chosen to move forward. Both Commissioner Graves and Commissioner Ellertson objected to that remark, with Commissioner Graves noting that the city councils and the mayors are not one in the same; only two mayors have explicitly expressed opposition to the Board. Commissioner Lee responded that while he does not know how others are viewing it, his perception is that the legislative bodies have not spoken out on this matter and are being silent for whatever reason. He repeated that if this is placed on the ballot, it is being done by the other two commissioners. Commissioner Ellertson pointed out he is only trying to do what Commissioner Lee has asked them to do for the last six months, which is to give the public an opportunity to vote. Commissioner Lee stated Commissioner Ellertson is speaking about a completely different issue of the Provo/Orem Bus Rapid Transit (BRT), and Commissioner Ellertson repeated his comment about public voting.

Provo resident Pam Jones approached the bench to request the commissioners hold the public meeting on this proposed tax before county-wide early voting begins. After reviewing their calendars, a new date of Wednesday, October 21, 2015 at 6:00 PM was suggested.

Commissioner Graves amended his previous motion to adopt the resolution approving the imposition of a .25% County Option Sales and Use Tax for Highways and Public Transit, providing for a public meeting to be held instead on October 21, 2015 at 6:00 PM, with all other actions of the prior motion remaining intact as noted in Regular Agenda Item No. 7.

The motion to adopt the resolution, made by Commissioner Graves and seconded by Commissioner Ellertson, carried with the following vote:

**AYE: Larry A. Ellertson
Greg Graves
NAY: William C. Lee**

RESOLUTION NO. 2015-113

8. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH UTAH FOUNDATION FOR 2015 SILVER MEMBERSHIP

Commissioner Lee mentioned that neither he nor Commissioner Graves have met with the Utah Foundation, and brought up his concerns that the \$5,000 membership seems to be a purchase fee to be included on their board. The Mountainland Association of Governments provides this same research to the county, and he does not think this is an appropriate use of tax funds.

Commissioner Graves made the motion to continue Regular Agenda Item No. 8 regarding an agreement with Utah Foundation for 2015 Silver for one week to the August 25, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

CONTINUED TO AUGUST 25, 2015

19. APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR EDWARD M. GOETTIG, SERIAL NO. 44:157:0177, WITH A FINDING THAT THE FAILURE OF THE CLAIMANT TO TIMELY FILE THE APPLICATION WAS BEYOND THE CLAIMANT'S REASONABLE CONTROL AND TO NOT EXTEND THE DEADLINE WOULD BE AGAINST EQUITY OR GOOD CONSCIENCE

Commissioner Graves made the motion to approve the late veteran abatement application for Edward M. Goettig on Property Serial No. 44:157:0177 as specified in Regular Agenda Item No. 19, with the finding that the failure of the claimant to timely file the application was beyond the claimant's reasonable control and to not extend the deadline would be against equity or good conscience. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

APPROVED

20. APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR JEFF WASHBURN, SERIAL NO. 36:713:0039, WITH A FINDING THAT THE FAILURE OF THE CLAIMANT TO TIMELY FILE THE APPLICATION WAS BEYOND THE CLAIMANT'S REASONABLE CONTROL AND TO NOT EXTEND THE DEADLINE WOULD BE AGAINST EQUITY OR GOOD CONSCIENCE

Commissioner Graves made the motion to approve the late veteran abatement application for Jeff Washburn on Property Serial No. 36:713:0039 as specified in Regular Agenda Item No. 20, with the finding that the failure of the claimant to timely file the application was beyond the claimant's reasonable control and to not extend the deadline would be against equity or good conscience. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

APPROVED

- 21. APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR BRENTON YORGANSON, SERIAL NO. 46:634:0022, WITH A FINDING THAT THE FAILURE OF THE CLAIMANT TO TIMELY FILE THE APPLICATION WAS BEYOND THE CLAIMANT'S REASONABLE CONTROL AND TO NOT EXTEND THE DEADLINE WOULD BE AGAINST EQUITY OR GOOD CONSCIENCE**

Commissioner Graves made the motion to approve the late veteran abatement application for Brenton Yorganson on Property Serial No. 46:634:0022 as specified in Regular Agenda Item No. 21, with the finding that the failure of the claimant to timely file the application was beyond the claimant's reasonable control and to not extend the deadline would be against equity or good conscience. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

APPROVED

- 32. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A RENT REIMBURSEMENT AGREEMENT WITH LIFE ENHANCEMENT CENTER FOR THE GRANDVIEW YOUTH TREATMENT FACILITY**

When Commissioner Lee asked about availability of funds, Pat Bird of the Utah County Department of Drug and Alcohol Prevention and Treatment clarified that a budget transfer is needed. Utah County Clerk/Auditor Bryan E. Thompson confirmed there are enough funds.

Commissioner Lee made the motion to approve the rent reimbursement agreement with Life Enhancement Center for the Grandview Youth Treatment Facility as detailed in Regular Agenda Item No. 32. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

APPROVED

33. APPROVE OR DENY A REQUEST FROM THE SPRINGVILLE ROTARY CLUB TO WAIVE THE EVENT PERMIT FEE IN THE AMOUNT OF \$300.00 FOR USE OF LEFT FORK HOBBLE CREEK CANYON ROAD FOR THE "POWERHOUSE 10K" TO BE HELD SEPTEMBER 26, 2015

Commissioner Graves made the motion to waive the \$300 event permit fee for use of a portion of the Left Fork Hobble Creek Canyon Road for the 'Powerhouse 10K' to be held on September 26, 2015 as described in Regular Agenda Item No. 33, with the finding that the benefit to the community exceeds the monetary fees in fair and adequate consideration to the county. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

AGREEMENT NO. 2015-566

37. ADOPT A RESOLUTION OF APPOINTMENT OF UTAH COUNTY PROPERTY TAX OFFICER AND ALTERNATE UTAH COUNTY PROPERTY TAX OFFICER

Utah County Civil Division Chief Deputy Attorney David Shawcroft explained the Property Tax Officer and Alternate Officer would be the people making recommendations to the Board; the commissioners still make the final decisions on which actions to take.

Commissioner Graves made the motion to adopt the resolution of appointment of Utah County Property Tax Officer and Alternate Utah County Property Tax Officer as specified in Regular Agenda Item No. 37. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

RESOLUTION NO. 2015-114

38. APPROVE OR DENY REQUEST OF CLEARWATER HOLDINGS, LLC (KYLE BATEMAN) TO MODIFY THE PRIOR CONDITIONAL APPROVAL OF A REQUEST TO AMEND THE OFFICIAL UTAH COUNTY ROAD MAP TO EXTEND COUNTY ROAD 3200 WEST FROM THE NORTH PROPERTY LINE OF LOT 2 OF THE GILES SUBDIVISION, PLAT "A", NORTH TO THE NORTH SECTION LINE OF SECTION 5, T8S, R2E, THEN ALONG THE SECTION LINE WEST TO THE WEST PROPERTY LINE OF PARCEL NO. 21:081:0001 (THE "ROAD EXTENSION")

Cole Cannon came forward as representative for Clearwater Holdings, LLC (Kyle Bateman). He presented the map of an area including property currently being disputed in court between his client and the Giles family. Clearwater Holdings is requesting access to approximately 400 acres of farmland to potentially build seven homes at one lot per fifty acres. Mr. Cannon referred a section of road leading to the farmland as 'Giles property,' as the Utah County Official Road Map shows the county-owned portion of the road ending 300 feet before reaching the land. The Giles section has been adjudicated to be publicly dedicated.

Cole Cannon reviewed the details of the road in question, noting it is paved with 26 feet of asphalt - Class 'D' road development standards only require 24 feet of asphalt. However, the 300-foot section lacks the entire 56-foot right-of-way which has become standard for Utah County roads. This right-of-way shortfall means the driver of a vehicle on the road would have to either trespass on Clearwater Holdings property or perform an unsafe five-point turn in order to reverse direction. Mr. Cannon's client is proposing to improve the road with a cul-de-sac terminus at their expense in

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exchange for an exception to the Utah County Land Use Ordinance that would allow Clearwater Holdings to develop upon existing parcels. Mr. Cannon stated he and his client have exhausted all other avenues to reconcile their position with the Giles family. Clearwater Holdings is not seeking to build a super city, nor seeking an appropriation of land.

Commissioner Ellertson mentioned concerns for development where there is “only one way in and out.” Utah County Civil Division Chief Deputy Attorney David Shawcroft confirmed that any exception to the Land Use Ordinance would include stipulations to eventually complete the required right-of-way. When Commissioner Lee asked about intentions, Cole Cannon and Kyle Bateman of Clearwater Holdings explained they would build in accordance with Class ‘D’ rural development road standards: 24 feet of asphalt, 3-foot shoulder, 6-foot swell, and 10-foot public right-of-way easement. Mr. Bateman noted he only plans to build one house, and discussed restrictive covenants with the Board. The commissioners brought up current litigation and ownership, and Mr. Cannon explained that the scope of the right-of-way is currently on appeal in the Provo Fourth District Court. Commissioner Lee questioned whether the Board should delay a decision until the court has made a decision, and Mr. Cannon suggested moving forward because the request to the county will be the same whatever the court rules. They reviewed the public easements, and the commissioners invited the Giles representative forward.

Leslie Slaw is the attorney for the Giles family. He clarified that the existing 300-foot road was constructed at their expense, mentioning that his clients have acted in accordance with decisions made by the Utah County Board of Commissioners dating back to 2002 in relation to the required 56-foot right-of-way. Mr. Slaw noted it would be unfair to reverse the decision more than a decade later, pointing out the poor relationship between Giles and Bateman stemming from the fact Clearwater Holdings bought into the property. He also noted discrepancies in the descriptions of property. Shane Giles repeated that he has followed instructions from the county since 2002, commenting on his right to protect his property. Commissioner Graves and Mr. Giles discussed property rights and a 30-foot section of road. The Board further reviewed the map and improvements made by Mr. Giles, reviewing previous ownership with help from Utah County Civil Division Chief Deputy Attorney David Shawcroft.

Commissioner Graves again addressed the possibility of waiting on a decision by the Provo Fourth District Court before taking action. Cole Cannon responded that “justice delayed is justice denied,” reiterating that no appellate ruling would alter the proposed restrictive covenant. He approached the bench to further review the maps with the commissioners. When Commissioner Graves suggested alternate access to the property, Kyle Bateman countered that he just wants to build a farmhouse; this should not require also building a million-dollar bridge.

Cole Cannon commented on the hazards of the current road, and the commissioners discussed public dedication and road requirements with Mr. Cannon and Leslie Slaw. They talked about potential development to be decided by the county. Kyle Bateman noted that the quarrel is not with the Giles family, but with the county preventing him from building his house and therefore causing neighborhood tensions. Commissioner Lee expressed sympathy for the situation but would also like more time to process the information. When Mr. Cannon commented on the 30 feet of road willingly given to the county by the Giles family, Commissioner Graves submitted that would have been done if the Giles knew it would lead to a subdivision. They discussed private property rights. The commissioners, Kyle Bateman, and Utah County Civil Division Chief Deputy Attorney David Shawcroft went on to speak further about development, restrictive covenants, county road maintenance, and fence lines before deciding to return this item to the agenda at a later date.

Commissioner Graves made the motion to continue Regular Agenda Item No. 38 regarding a request of Clearwater Holdings, LLC (Kyle Bateman) to modify prior conditions for five weeks to the September 22, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

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CONTINUED TO SEPTEMBER 22, 2015

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

41. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

STRICKEN

42. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES, PREVIOUSLY PUBLICLY NOTICED FOR SALE (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

STRICKEN

Commissioner Graves made the motion to strike Regular Agenda Item Nos. 41 and 42 to set dates, times, and locations for closed meetings for a strategy session to discuss the purchase, exchange, or lease of real property, water rights, or water shares; and for a strategy session to discuss the sale of real property, water rights, or water shares, previously publicly noticed for sale. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

39. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)

Commissioner Lee made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to follow the Regular Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

SET

40. **APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION (SUGGESTED FOR TODAY'S DATE, AT THIS LOCATION, FOLLOWING THE COMPLETION OF THE REGULAR AGENDA AND WORK SESSION AGENDA ITEMS) (ANNOUNCE THE VOTE OF EACH COMMISSIONER)**

Commissioner Lee made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to follow the Regular Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

This concluded discussion of all scheduled agenda items, and the meeting recessed at 12:54 P.M. to go into closed sessions. The public meeting reconvened at 1:14 P.M. Commissioner Ellertson had excused himself by this time, and Commissioner Lee noted that Robert's Rules of Order would be waived for the purpose of making motions.

Commissioner Graves made the motion to adjourn the August 18, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: William C. Lee
Greg Graves
NAY: None**

There being no further business nor public comment, the meeting adjourned at 1:14 P.M. The minutes of the August 18, 2015 Commission meeting were approved as transcribed on November 3, 2015.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

Copies available on the Utah County website at www.utahcounty.gov
Recorded by Renée Huggins-Caron, Clerk/Auditor Administrative Assistant